

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>10/19/11</u>
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October 18, 2011

Monday April 9 - 9³⁰ AM

BY FACSIMILE

Honorable Harold Baer, Jr.
 United States District Judge
 Southern District of New York
 500 Pearl Street, Chambers 2230
 New York, New York 10007-1312

Re: U.S. v. Dominick P. Carollo, et al., 10 Cr. 654 (HB) (S.D.N.Y.)

Dear Judge Baer:

Looking at my calendar to input the April 9 trial date, I realized for the first time that the religious holidays of Passover likely will interfere with the Court's ability to select a jury. The first and second nights of Seder are the Friday and Saturday nights prior to April 9, and the holiday continues through April 14 with work not permitted on April 13 and 14. If jury selection proceeds on April 9 we are concerned that the jury pool will be affected by these religious holidays. For this reason, we ask that the Court reconsider starting the trial as originally planned on April 16.

Respectfully submitted,

[Signature]
 John S. Siffert

cc: Antonia Hill, Esq. (by email)
 Howard Heiss, Esq. (by email)
 Walter Timpone, Esq. (by email)

I doubt the Passover holiday will inhibit jury selection - if as you say it will occur on the 4th or 5th of the holiday but I think we should continue the scheduled jury selection and should it be a problem we will deal with it. Thanks for your thoughts.

[Signature]
 Harold Baer, Jr., U.S.D.J.
 10/19/11

Endorsement:

I doubt the Passover holiday will inhibit jury selection - if as you say it will occur on the 3rd or 4th day of the holiday but I think we should continue with the schedule and if it presents a jury problem we will deal with it when it appears. Thanks for your thoughts.